

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK LYNAM,

Defendant.

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Case No: 8:07CR261

ORDER

The defendant appeared before the court on May 14, 2008 regarding defense counsel's Motion to Withdraw [19]. William F. Eustice was granted leave to withdraw and the court appointed new counsel.

The court was presented a Financial Affidavit (CJA Form 23) signed by the above-named defendant in support of a request for appointed counsel. After a review of the Financial Affidavit, I find that the above-named defendant is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and Amended Criminal Justice Act Plan for the District of Nebraska.

Upon consultation with Judge Strom's chambers, this matter will be scheduled for trial on June 24, 2008.

IT IS ORDERED:

1. The Motion of William F. Eustice for leave to withdraw [19] is granted.
2. The Federal Public Defender for the District of Nebraska is appointed to represent the above named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file an appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.
3. The Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska.

4. Trial is scheduled for **Tuesday, June 24, 2008** before Senior Judge Lyle E. Strom in Courtroom No. 5, Roman L. Hruska United States Courthouse, Omaha, Nebraska.

5. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting the motion to withdraw and continuing the trial date, and outweigh the interests of the public and the defendant in a speedy trial. The time between **May 15, 2008 and June 24, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because failure to extend the trial date would deny substitute defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED May 15, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**